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**FACSIMILE COMMUNICATIONS**

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To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: October 26, 2004

Number of Pages: Cover + 20

ATTN: **MAIL STOP PETITION**

**TELEPHONE NO.**  
**FAX NO.: (703) 872-9306**

FROM: Steve A. Wong, Esq.

**PLEASE CONTACT US IF ANY PAGES  
ARE ILLEGIBLE OR ARE NOT RECEIVED**

RE: USSN: 10/010,078

Filed: 11/2/01

Title: System, Method and Article of  
Manufacture for Tracking and Supporting  
the Distribution of Content Electronically  
(as amended)

Inventor: Allan B. Lamkin et al.

Confirmation No. 2686

Art Unit: 2177

Our Reference: IA 1500.01A US



October 26, 2004

Document Control Number 73Z7BQ

CUSTOMER NUMBER

22887

PATENT TRADEMARK OFFICE

VIA FACSIMILE

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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OCT 26 2004

RE: U.S. Patent Application Ser. No.: 10/010,078  
Filing Date: November 2, 2001  
Title: SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR  
TRACKING AND SUPPORTING THE DISTRIBUTION OF CONTENT  
ELECTRONICALLY (as amended)  
Inventors: Allan B. LAMKIN et al.  
Attorney Docket No.: IA 1500.01A US

Dear Sir or Madam:

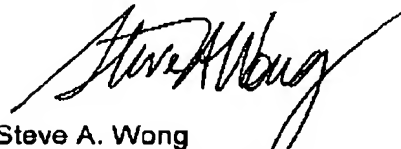
Enclosed for filing in the referenced patent application please find the following:

1. Transmittal Letter (1 page);
2. Fee Transmittal;
3. Application for Patent Term Adjustment Pursuant to 37 C.F.R. § 1.705 including Exhibits 1-8;
4. Cover Letter; and
5. Certificate of Facsimile dated October 26, 2004.

Please acknowledge receipt of this transmittal.

Very truly yours,

DISCOVISION ASSOCIATES

  
Steve A. Wong  
Managing Patent Attorney  
INTELLECTUAL PROPERTY DEVELOPMENT

SAW:jb

Enclosures

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office Fax No. (703) 872-9306 on:

October 26, 2004

(Date)

Jeannie Benedict

(Type or print name)

  
(Signature)

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

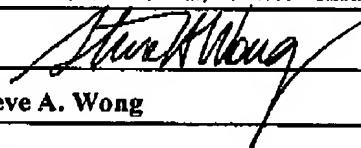
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/010,078	
	Filing Date	November 2, 2001	
	First Named Inventor	ALLAN B. LAMKIN	
	Art Unit	2177	
	Examiner Name	Cheryl R. Lewis	
Total Number of Pages in This Submission		Attorney Docket Number	1A 1500.01A US

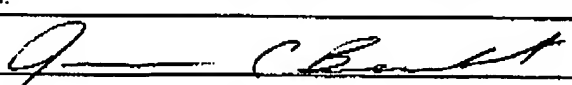
**ENCLOSURES** (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <u>Cover Letter; Certificate of Facsimile</u> <u>Application for Patent Term Adjustment</u> <u>including Exhibits 1-8</u>
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	DISCOVISION ASSOCIATES -- Intellectual Property Development 2355 Main Street, Suite 200, Irvine, CA 92614 -- U.S.A. -- Tel.: (949) 660-5000	
Signature		
Printed name	Steve A. Wong	
Date	10/26/04	Reg. No. 37,968

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature 		
Typed or printed name	Jeannie C. Benedict	Date
		10/26/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

**FEE TRANSMITTAL  
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR §1.27**TOTAL AMOUNT OF PAYMENT (\$)** 200.00**Complete if Known**

Application Number	10/010,078
Filing Date	November 2, 2001
First Named Inventor	ALLAN B. LAMKIN
Examiner Name	Cheryl R. Lewis
An Unit	2177
Attorney Docket No.	IA 1500.01A US

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
 Deposit Account Number **04-1175**  
 Deposit Account Name **DISCOVISION ASSOCIATES**

The Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee \$	Fee Code	Fee \$		
1001	780	2001	385	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	780	2004	395	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	

**SUB TOTAL (1) (\$)****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from Below	Fee Paid
Total Claims	-20** =	x	=
Independent Claims	-3** =	x	=
Multiple Dependent			=

Large Entity		Small Entity		Fee Description
Fee Code	Fee \$	Fee Code	Fee \$	
1202	18	2202	9	Claim in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)**

\*\* or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee \$	Fee Code	Fee \$		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1063	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1261	110	2261	55	Extension for reply within first month	
1262	430	2262	215	Extension for reply within second month	
1263	980	2263	490	Extension for reply within third month	
1264	1,330	2264	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	690	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt.	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 C.F.R. 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	800	1802	800	Request for expedited examination of a design application	

Other fee (specify) **Application for Patent Term Adjustment** 200.00

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 200.00**SUBMITTED BY**Name  
Printed/Typed**Steve A. Wong**Registration No.  
Attorney / Agent**37,968****Complete (if applicable)**

Telephone

**(949)660-5000**

Signature

Date

**10/26/04**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  
 This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**OCT 26 2004**

**+PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Allan B. LAMKIN, et al.

Application No.: 10/010,078

Filed: November 2, 2001

For: SYSTEM, METHOD AND  
ARTICLE OF MANUFACTURE FOR  
TRACKING AND SUPPORTING THE  
DISTRIBUTION OF CONTENT  
ELECTRONICALLY (AS AMENDED)

Examiner: Cheryl R. LEWIS

Art Unit: 2177

Confirmation No.: 2686

Docket No.: IA 1500.01A-US

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile  
transmitted to the U.S. Patent and Trademark Office Fax  
No. (703) 872-9306 on:

October 26, 2004  
(Date)

Jeannie Benedict  
(Type or print name)

(Signature)

**APPLICATION FOR PATENT TERM ADJUSTMENT  
PURSUANT TO 37 C.F.R. § 1.705**

**MAIL STOP PETITION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir or Madam:

Applicant respectfully requests reconsideration of the patent term adjustment indicated in the notice of allowance. The notice of allowance, mailed September 23, 2004, indicates a patent term adjustment of 290 days, as shown in Exhibit 1. The Applicant requests that the patent term adjustment be corrected to reflect 362 days for the reasons that are explained below.

This patent is not subject to a terminal disclaimer.

Docket No.: IA 1500.01A US  
USSN: 10/010,078

PATENT  
Art Unit: 2177

**I. Grounds for Adjustment of Patent Term Due to Examination Delay  
(37 C.F.R. § 1.702)**

Subject to 35 U.S.C. § 154(b), the term of an original patent must be adjusted if the issuance of the patent was delayed due to the failure of the Office to mail at least one of a notification under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151 not later than 14 months after application filing date.

The application filing date is November 11, 2001, as can be seen in Exhibit 1. The first notification under 35 U.S.C. § 132 was mailed on March 11, 2004 as shown in Exhibit 2. Therefore, the Applicant is entitled to a credit of 434 days.

**II. Reduction of Period of Adjustment of Patent Term (37 C.F.R. § 1.704)**

The period of adjustment of the term of a patent shall be reduced by a period equal to the period of time during which the Applicant failed to engage in reasonable efforts to conclude prosecution of the application. The period of adjustment shall be reduced for the period in excess of three (3) months taken to reply to any action or notice from the Office.

1. Applicant responded to the outstanding Office action on June 14, 2004, which is three months and three days after the mailing of the first Office action. Accordingly, the Applicant has a reduction of three (3) days from the earned patent term adjustment.

2. A Notice to File Missing Parts was mailed on January 24, 2002, as shown in Exhibit 3. The Notice to File Missing Parts required submission of the following:

- A. Basic filing fee;
- B. Additional claim fees;
- C. Signed oath or declaration; and
- D. Substitute drawings in compliance with 37 C.F.R. § 1.84

Docket No.: IA 1500.01A US  
USSN: 10/010,078

PATENT  
Art Unit: 2177

The basic filing fee, additional claim fees, and the signed declaration were submitted by Applicant on March 29, 2002, as shown in Exhibit 4. A copy of the return postcard from the Office indicates a receipt date of April 9, 2002, as shown in Exhibit 5.

Substitute drawings were submitted by the Applicant on June 26, 2002, as shown in Exhibit 6. A copy of the return postcard from the Office indicates a receipt date of July 2, 2002 for the substitute drawings, as shown in Exhibit 7.

The latest date in which the Applicant complied with all outstanding requirements was July 2, 2002, wherein the application was deemed complete. Therefore, the date of Applicant's compliance with all outstanding requirements is three months and 69 days from the mailing of the Notice to File Missing Parts. Accordingly, the Applicant has a Reduction Period of Adjustment of 69 days from the earned patent term adjustment, for the delay in submitting the required documents in response to the Notice to File Missing Parts.

The Office incorrectly accorded the date of September 12, 2002 as the date in which the application was deemed complete (see Exhibit 8), instead of the correct date of July 2, 2002. Hence, the discrepancy of 72 days between July 2, 2002 and September 12, 2002 should be reconciled in the Applicant's favor.

In summary, the total reduction of earned patent term extension is as follows:

$$3 + 69 = 72 \text{ days}$$

### III. Final Calculation for Determination of Patent Term Adjustment

The final determination of Applicant's patent term adjustment is as follows:

Adjustment of Patent Term Due to Examination Delay	434 days
Reduction of Period of Adjustment of Patent Term	72 days
Final Determination of Patent Term Adjustment	362 days

Docket No.: IA 1500.01A US  
USSN: 10/010,078

PATENT  
Art Unit: 2177

Based on the foregoing, the Applicant requests that the determination of patent term adjustment under 35 U.S.C. § 154(b) be corrected to 362 days.

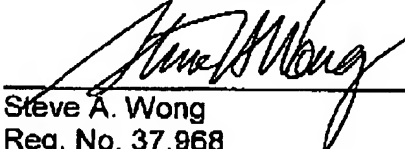
#### IV. Fees

The Commissioner is hereby authorized to charge the \$200.00 fee required by 37 C.F.R. § 1.18(e) and any additional fees or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: Oct. 26, 2004

  
Steve A. Wong  
Reg. No. 37,968

DISCOVISION ASSOCIATES  
INTELLECTUAL PROPERTY DEVELOPMENT  
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